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C O N F I D E N T I A L SECTION 01 OF 02 CARACAS 002146

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TAGS: [PGOV](#) [VE](#)

SUBJECT: ARRIECHI ACCUSES TSJ JUDGES OF CORRUPTION

REF: CARACAS 02078

CLASSIFIED BY: A/POLITICAL COUNSELOR MARK WELLS FOR REASONS 1.4 (D)

SUMMARY

1. (C) SUPREME COURT (TSJ) JUDGE FRANKLIN ARRIECHI SPOKE WITH PAO AND POLOFF JUNE 23, AFTER BEING REMOVED FROM THE TSJ (SEE REFTTEL.) ARRIECHI REJECTED THE VALIDITY OF THE NATIONAL ASSEMBLY (NA) VOTE TO REMOVE HIM. HE STATED HIS INTENTION TO IGNORE THE RULING, AND CONTINUE TO REPORT TO WORK IN ORDER TO MAINTAIN HIS RIGHTS IN THE FUTURE. HE SAID THE NA VOTE TO REMOVE HIM, AND THE TSJ DECISION WHICH ACCEPTED IT, WERE POLITICAL ACTS OF REVENGE AGAINST HIM, AND TO TAKE CONTROL OF THE TSJ. ARRIECHI MADE CRITICAL OBSERVATIONS ABOUT THE PRO-CHAVEZ JUDGES ON THE TSJ. END SUMMARY.

ARRIECHI REJECTS REMOVAL

2. (C) SUPREME COURT (TSJ) JUDGE FRANKLIN ARRIECHI, WHO WAS REMOVED JUNE 16 THROUGH A VOTE BY THE PRO-CHAVEZ MAJORITY OF THE NATIONAL ASSEMBLY (NA), ATTENDED A LUNCHEON HOSTED BY PAO, WITH POLOFF, JUNE 23. ARRIECHI REJECTED THE AUTHORITY OF THE NATIONAL ASSEMBLY (NA) TO REMOVE HIM USING PROVISIONS OF THE NEWLY PASSED TSJ LAW, ARGUING THAT SUCH AN EX-POST FACTO USE OF THE LAW WAS PROHIBITED BY THE CONSTITUTION, DESPITE A CONSTITUTIONAL CHAMBER DECISION TO ACCEPT THE MOVE. HE ALSO DENIED ANY RESPONSIBILITY FOR ERRORS IN HIS NOMINATION MATERIALS (NOTE: ALLEGEDLY THE REASON FOR HIS REMOVAL. END NOTE.), STATING THAT HE HAD NOT NOMINATED HIMSELF, AND HAD NEVER MADE ANY UNTRUTHFUL CLAIMS ABOUT HIS PAST. ARRIECHI SAID HE WOULD RESIST THE REMOVAL, AND CONTINUE TO GO TO WORK UNTIL THEY STOPPED HIM. HE REJECTED THE TERM "CIVIL DISOBEDIENCE" WHICH THE PRESS HAS USED, HOWEVER, AND STATED HE WAS SURE HE WOULD BE DENIED ENTRY TO THE TSJ SHORTLY. ARRIECHI SAID HE WOULD EVENTUALLY BRING A CASE BEFORE THE INTER-AMERICAN HUMAN RIGHTS COMMISSION, AFTER GOING THROUGH THE VENEZUELAN JUDICIAL APPEALS PROCESS. HE SAID HE WOULD SPEND THE SUMMER AT HIS HOUSE IN THE U.S., WITH HIS FAMILY.

3. (C) ARRIECHI SAID THE REMOVAL FROM THE COURT WAS INTENDED TO PASS HIS POSITION AS VICE PRESIDENT OF THE TSJ TO TSJ JUDGE OMAR MORA, ESTABLISHING HIM AS THE EVENTUAL REPLACEMENT FOR TSJ PRESIDENT IVAN RINCON. ARRIECHI CALLED MORA A CHAVISTA "TALIBAN," AND CLAIMED HE WAS A MEMBER OF THE VENEZUELAN COMMUNIST PARTY. ARRIECHI CLAIMED TO HAVE BEEN SINGLED OUT FOR HIS PRO-AMERICAN VIEWS, AND TIES TO FORMER AMBASSADOR DONNA HRINAK. HE SAID HIS ROLE IN WRITING THE PLENARY CHAMBER'S DECISION REJECTING MILITARY REBELLION CHARGES AGAINST THE MILITARY OFFICERS INVOLVED IN THE EVENTS OF APRIL 11, 2002, HAD ALSO MADE HIM A TARGET OF THE GOV.

GLASS HOUSES

4. (C) ARRIECHI MADE ACCUSATIONS AGAINST SEVERAL MEMBERS OF THE TSJ. HE ACCUSED RINCON OF CORRUPTION, SPECIFICALLY OF ACTING AS AN INTERMEDIARY BETWEEN BUSINESSMEN AND THE MINISTRY OF FINANCE, HELPING TO EXPEDITE PAYMENT FOR SERVICES RENDERED IN RETURN FOR A PERCENTAGE. HE ALSO ACCUSED TSJ JUDGE JOSE DELGADO OCANDO OF HAVING A BROTHER AND A SON WORKING AS LEGAL CONSULTANTS FOR PDVSA, WHO HE SAID WERE BEING PAID ONE MILLION DOLLARS A YEAR. HE SAID DELGADO IDENTIFIES HIMSELF AS A "STALINIST" COMMUNIST, AND IS A MEMBER OF VENEZUELAN COMMUNIST PARTY (PCV). HE ALSO ACCUSED TSJ JUDGES CARLOS OBERTO, JUAN RAFAEL PERDOMO, ALONG WITH

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MORA OF BEING MEMBERS OF THE PCV. FINALLY ARRIECHI ACCUSED TSJ JUDGE LUIS MARTINEZ HERNANDEZ OF HAVING OFFERED TO FIX

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DISCIPLINARY CASES AGAINST FEMALE JUDGES IN RETURN FOR SEXUAL

FAVORS (NOTE: THE TSJ RUNS THE LOWER COURTS IN VENEZUELA, AND IS RESPONSIBLE FOR HIRING, FIRING AND DISCIPLINING LOWER COURT JUDGES. END NOTE.) HE ALSO ACCUSED MARTINEZ OF HAVING DEALINGS WITH INTERNATIONALLY WANTED DRUG DEALERS, AND OF

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T FOR IDEOLOGY OR FINANCIAL/LEGAL REASONS, THESE JUDGES WOULD BACK CHAVEZ UNTIL THE END. ARRIECHI SEEMED SURPRISED THERE HAD BEEN SO LITTLE OUTCRY AGAINST HIS REMOVAL BY OTHER JUDGES ON THE TSJ, OR THE OPPOSITION. HE SAID THERE WAS NO CHANCE OF A MASS RESIGNATION OF TSJ JUDGES IN PROTEST, DUE TO PERSONAL FINANCIAL CONSIDERATIONS. ARRIECHI REPORTED THAT RETIRING TSJ JUDGE RAFAEL PEREZ PERDOMO (ANTI-CHAVEZ) IS RESISTING THE EFFORTS OF ANGULO TO REPLACE HIM WITH A CHAVISTA ALTERNATE JUDGE.

COMMENT

16. (C) WE UNDERSTAND THAT ARRIECHI HAS BEEN IN CONTACT WITH AMCIT POLITICAL CONSULTANTS ABOUT GOING TO THE U.S. TO TELL HIS STORY. WHILE HE MAY BE WILLING TO GIVE MORE DETAILS THAN HE TOLD US, VENEZUELAN POLITICAL CIRCLES ARE FULL OF STORIES OF CORRUPTION ON THE TSJ, IMPLICATING RINCON AND OTHER JUDGES. IT IS ALSO UNLIKELY THAT ARRIECHI, WHO BROKE WITH CHAVEZ AFTER APRIL 11, 2002, IS WITHOUT STAIN HIMSELF. WHILE ARRIECHI'S REMOVAL IS EXTREMELY DISTURBING IN TERMS OF THE RULE OF LAW IN VENEZUELA, IT HAS NOT BEEN A MAJOR POLITICAL ISSUE IN THE RUN-UP TO THE REFERENDUM.
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